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May 1, 2024

Honorable Arun Subramanian
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

VIA ECF

Re: United States v. Avraham Eisenberg
23 Cr. 10 (AS)

Dear Judge Subramanian:

Defendant Avraham Eisenberg (“Eisenberg”) respectfully submits this letter as a request that the Court reconsider the Order issued earlier today partially granting his motion for an extension of time to file his Rule 29 and Rule 33 motions. Under normal circumstances, the extension granted would provide sufficient time for preparation of the motions. However, trial preparation for the Eastern District trial¹ that I will conduct with Mr. Greenspan was put on hold in order to prepare for and try this case. We are now preparing for that trial, for which jury selection will commence in a little over a month, and which involves allegations of a Paycheck Protection Plan fraud and requires hundreds of hours of preparation. As stated in the initial application, the trial itself is anticipated to last at least three weeks, and the parties are hopeful it will conclude before the July 4th holiday, allowing counsel to take a much needed and previously scheduled family vacation. There is a substantial likelihood, therefore, that the trial could last until mere days before the current July 8, 2024 deadline set by the Court, leaving us unable to effectively meet the deadline.

Currently, representation issues exist that prevent substantial progress on the motion at present, but we anticipate these will be resolved in the very near future. The likelihood is thus that we will remain as counsel for Eisenberg in the District Court and that Mr. Greenspan and I will be the primary drafters of the written submissions in support of the Rule 29 and 33 motions just as we primarily handled legal filings and argument relating to jury instructions and the oral Rule 29 motion made at trial. Unfortunately, based on the time commitment necessary

¹ *United States v. Anuli Okeke*, Case No. 22-cr-20 (FB).

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to effectively represent our client in the Eastern District, there simply are not enough hours in the day to presently prepare for that trial and draft the motions in this case. Nor would the very short window between conclusion of that trial and the currently set deadline be sufficient to prepare the substantial motions the defendant seeks to make.

In the event that the Court is not inclined to reconsider the previously requested September 8, 2024 filing date, based on the above scheduling concerns, we respectfully request that Court consider setting an August 5, 2024 filing date.

The government takes no position regarding either application. We apologize for any inconvenience created by these requests and thank the Court for considering the applications in this letter.

Very truly yours,

Sanford Talkin

Sanford Talkin

cc: AUSA Thomas Burnett (by ECF)
AUSA Peter Davis (by ECF)
SAUSA Tian Huang (by ECF)